DOCUMENT RESUME

ED 378 130 SO 024 674

TITLE	Statement of Facts for 1994 City-Wide Mock Trial Competitions. Scott Walker v. Tanya Brewster.
INSTITUTION	Georgetown Univ., Washington, DC. Law Center.; National Inst. for Citizen Education in the Law, Washington, DC.
PUB DATE	94
NOTE	46p.; For related items, see SO 024 656-673. Some pages may not reproduce clearly.
AVAILABLE FROM	Social Studies School Service, Dept. A3, P.O. Box 802, Culver City, CA 90232-0802.
PUB TYPE	Guides - Classroom Use - Instructional Materials (For Learner) (051) -- Guides - Classroom Use - Teaching Guides (For Teacher) (052)
EDRS PRICE	MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	*Citizenship Education; *Civil Law; Court Litigation; Instructional Materials; *Law Related Education; Secondary Education; Social Studies
IDENTIFIERS	*Mock Trials; *Street Law

ABSTRACT

Prepared by the District of Columbia Street Law Project for its 23rd annual city-wide mock trial competition, this instructional handout provides the material for a mock civil trial over an accidental shooting. Thirteen-year-old T. J. Walker, Scott Walker's son from a previous marriage, visited the home of 5-year-old Jesse Walker with a pistol owned by Carl Newhouse, the man living with T.J.'s mother, Tanya Brewster. During a scuffle over the pistol between Jesse and T.J., the gun fired, severely injuring Jesse. For the cost of Jesse's medical expenses, Jesse's father, Scott Walker, brings suit against Tanya Brewster, charging her with negligent storage of a firearm and negligent supervision of a minor child. The handout clarifies the laws and explains the legal precedents. As evidence, the handout provides the medical bill for Jesse's injury; the official transcript of the emergency call; the Department of Public Safety's instructions for the safe storage of handguns; and witness statements from Scott Walker, T.J. Walker, medical professor Dr. Sandy Turner, Tanya Brewster, Carl Newhouse, and Terry Bottner, a juvenile diversion counselor. Through participation in mock trials and analysis of the activity, students gain an insider's perspective on courtroom procedure and a basic understanding of the legal mechanism through which society resolves its disputes. Mock trials develop critical analysis, questioning and listening skills, and skills in preparing and organizing materials. (JD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

D.C. STREET LAW

GEORGETOWN UNIVERSITY LAW CENTER
111 F STREET, NW, SUITE 330
WASHINGTON, D.C. 20001
(202) 662-9615

Official 1994 Mock Trial Materials

for the

TWENTY-THIRD ANNUAL DISTRICT OF COLUMBIA PUBLIC SCHOOLS MOCK TRIAL PROGRAM

ED 378 130

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
This document has been reproduced as received from the person or organization originating it.
Minor changes have been made to improve reproduction quality.
Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

SCOTT WALKER

V.

TANYA BREWSTER

Statement of Facts for 1994 City-Wide Mock Trial Competitions

Prepared by

Stuart A. Grossman, Clinical Teaching Fellow
with John P. Sullivan and Jami Silverman
of the D.C. Street Law Project
Georgetown University Law Center

in conjunction with

Program Director and Professor of Law Richard L. Roe

and the

National Institute for Citizen Education in the Law

"PERMISSION TO REPRODUCE THIS MATERIAL IN OTHER THAN PAPER COPY HAS BEEN GRANTED BY
CAROLINE KULCZYCKI
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)"

SO 024 674

BEST COPY AVAILABLE

Statement of Stipulated Facts

On December 4, 1993, at approximately 4:30 p.m., five-year-old Jesse Walker was severely wounded by a bullet accidentally fired from a 9-millimeter Beretta semiautomatic pistol. The shooting occurred in the home of Jesse's parents, Scott and Claudia Walker.

Scott and Claudia also have a two-year-old daughter, Kym, and Scott has a 13-year-old child, T.J. Walker, from a previous marriage. Only Jesse, Kym, and T.J. were in the house at the time of the shooting. T.J. was visiting Scott for the weekend and brought the pistol with her/him. The shooting was the result of a scuffle over the pistol between Jesse and T.J. While Jesse was trying to pull the pistol out of T.J.'s hand, the pistol fired, hitting Jesse.

Tanya Brewster is T.J.'s mother. She and T.J.'s father, Scott Walker, were married for four years. They were divorced on May 17, 1984, and Tanya was given sole custody of T.J. In August of 1993, Carl Newhouse began living with Tanya and T.J. in the home owned by Tanya at 4952 Oaktree Lane. The pistol involved in the shooting is registered to Carl.

Jesse was permanently paralyzed as a result of the shooting. He will require specialized medical care for the rest of his life.

Scott filed this lawsuit on January 7, 1994. No criminal charges of any kind have been brought against any party involved in this matter.

Claims and Defenses

Scott Walker is suing Tanya Brewster for negligent storage of a firearm and for negligent supervision of her minor child, T.J. Negligent storage of a firearm has recently been recognized as a new civil cause of action by three New Columbia trial courts. Negligent supervision of a minor child is a well-established cause of action in New Columbia.

Scott claims that T.J.'s acquisition and use of the pistol were the result of Tanya's negligent actions. Scott has incurred, and will continue to incur, substantial medical expenses due to Jesse's injuries. In addition, Scott claims that his enjoyment of the companionship and services of his son has been significantly limited by Jesse's permanent paralysis.

Tanya claims that it is not her fault that Jesse was injured. She believes that she acted as a responsible parent at all times. She claims that it was Scott's negligent supervision of his children that allowed the accident to happen. She also argues that negligent storage of a firearm should not be recognized as a cause of action by this court. Even if the court does recognize this cause of action, Tanya argues that the facts of this case do not support a finding of negligent storage of a firearm on her part.

Relief Requested

Scott is asking the court to make a finding of negligent storage of a firearm and negligent supervision of a minor child, against Tanya Brewster. Scott is requesting the following damages awards: $42,000 for actual medical expenses (including costs for emergency and intensive care services, surgical procedures, inpatient hospital services, prescription medications, specialized equipment, physician office visits, and other services); $975,000 for future medical expenses (representing $15,000 per year of estimated expenses for 65 years of remaining estimated life expectancy); and $500,000 for the loss of Jesse's companionship and services.

Tanya is asking the court to find that there was no negligence on her part and to deny any damages sought by Scott. In the event that the court finds any liability on Tanya's part, Tanya is asking the court to find that Scott is also liable for negligent acts on his part, and to reduce his damages in accordance with the extent of his liability.

Additional Stipulations

The parties have stipulated to the authenticity of the following items:

1. Bill from Shepardsville Hospital to Scott Walker, containing current medical expenses for Jesse Walker along with an estimate of future medical expenses.

2. Official transcript of recorded 911 emergency telephone call placed by T.J. Walker on December 4, 1993.

3. Gun safety information sheet entitled "Safe Storage of Handguns" used in required course taken by Carl Newhouse. The information sheet was written by Dr. Sandy Turner.

4. Letter from Terry Bottner to Scott Walker, dated April 6, 1993, which was returned to Bottner with a handwritten reply by Walker on the bottom of the page.

5. Beretta 9-millimeter semiautomatic pistol registered to Carl Newhouse.

The parties reserve the right to dispute any other legal or factual conclusions based on these items, and to make objections to these items based on other evidentiary issues.

Witnesses for the Plaintiff

Scott Walker	- Plaintiff
T.J. Walker	- Child of Plaintiff and Defendant
Dr. Turner	- Professor of Emergency Medicine and Public Health

Witnesses for the Defendant

Tanya Brewster	- Defendant
Carl Newhouse	- Friend of Defendant
Terry Bottner	- Juvenile Diversion Counselor

APPLICABLE LAW

RELATED STATUTE

NEW COLUMBIA CRIMINAL CODE §105: CRIMINAL STORAGE OF A FIREARM

(a) A person commits the offense of criminal storage of a firearm if he or she keeps, or allows to be kept for any length of time, any firearm within his or her dwelling, and a child of 16 years of age or younger obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.

(b) A person will not be found guilty under this section if he or she:

(1) Stores the firearm using a trigger-lock or other locking device on the firearm that prevents the firearm from functioning, or

(2) Stores the firearm in a secure, locked container, or

(3) Takes other means reasonably designed to insure that a child of 16 years of age or younger will not come into possession of the firearm.

(c) The fact that a person who allegedly violated this section attended a firearm safety training course prior to the purchase of the firearm that is obtained by a child of 16 years of age or younger in violation of this section shall be considered a mitigating factor by a district attorney when he or she is deciding whether to prosecute an alleged violation.

New Columbia Case Law

Johnson v. Moore, 67 New. Col. App. 462 (1967).

> "Normally, parents are not liable for the torts of their minor children merely because of the parent-child relationship. However, in cases involving the use of a dangerous object by a child, the standard for imposing liability upon a parent for failing to prevent the child's action is whether the parent knew, or should have known, of the child's tendency or inclination towards dangerous activity involving the object, but failed to take reasonable precautions to prevent the danger."

New Columbia v. Scowcroft, 110 New Col. App. 161 (1990)

Defendant, James Scowcroft, was convicted of criminal storage of a firearm under New Columbia Criminal Code § 105, after his five-year-old daughter shot herself with a gun that Scowcroft knew was being kept in his house. The gun belonged to Scowcroft's sister, Lisa, a New Columbia State Police sergeant, who was visiting Scowcroft on the weekend of the shooting. Scowcroft had told his sister that he was concerned about her bringing a gun into the house. She assured Scowcroft that she was a responsible police officer and that his children would not be in danger. Despite this assurance, she left the loaded gun on top of the guestroom nightstand while she took a shower. Scowcroft's daughter found the gun and accidentally shot herself.

The Court of Appeals overturned Scowcroft's conviction, holding that Scowcroft could not be held criminally liable under § 105. "He made an inquiry of an experienced police officer who was a trusted family member and he reasonably assumed, based on her simple assurance, that his child would not come into possession of the firearm. This situation satisfies the requirements of § 105 (b)(3) since, under the totality of the circumstances, Scowcroft took reasonable means to insure that his daughter would not come into possession of the firearm."

New Columbia v. Morgan, 112 New Col. App. 35 (1992)

Defendant, Fred Morgan, was convicted of criminal storage of a firearm under New Columbia Criminal Code § 105. Morgan kept a loaded rifle in an unlocked, glass-front gun cabinet in his living room. Morgan lived alone, had no children, and received very few visitors. He hired a 12-year-old boy to clean up his basement. Unknown to Morgan, the boy took the rifle out of the gun cabinet, and brought it home with him. The boy later shot a playmate with the rifle, permanently blinding him. Morgan appealed his conviction on the ground that his actions satisfied the requirements of § 105 (b)(3) since he reasonably believed a child 16 years of age or younger would not come into possession of a firearm that was kept in a home where no children lived and few ever visited.

The Court of Appeals upheld Morgan's conviction, stating: "The statute contains two specific exceptions: one, § 105 (b)(1), for the use of a 'locking device' which keeps the weapon from functioning; the other, § 105 (b)(2), for storing the gun in a 'secure, locked container.' Section 105 (b)(3) was clearly designed to cover alternative measures that provide the same level of security

as a locking device or a secure, locked container. The actions of the defendant in this case do not even approach the level of care indicated by sections (b)(1) and (b)(2). Therefore, the action of the defendant cannot constitute 'other means reasonably designed to insure that a child of sixteen years of age or younger will not come into possession of the firearm,' as required by section (b)(3)."

Larson v. Miller, 158 New Col. 488 (1991).

"Until now, this state has not recognized claims by a parent for loss of a child's companionship and services. But under the circumstances present here, where the injury was so severe as to be permanently disabling, and the child was providing financial support to her parents and would have continued to do so throughout the parents' lifetimes, we will recognize the claim and uphold the damage award."

Moss v. Smart Pharmacy, Inc. 82 New Col. App. 117 (1972).

"New Columbia is a 'pure' comparative negligence jurisdiction. Awards in a tort action are based on the degree to which each party is at fault. Thus, once a defendant is found to be at fault, and the plaintiff is also found to be at fault, plaintiff's damage award is diminished to the extent of the plaintiff's own fault."

"In this case, both the defendant and the plaintiff were found to be at fault. The defendant was 75 percent at fault and the plaintiff was 25 percent at fault. Therefore, the defendant must pay the plaintiff only 75 percent of the plaintiff's total damages. That is, the plaintiff's total damage award is reduced by 25 percent."

WITNESS STATEMENT
Scott Walker
Plaintiff

My name is Scott Walker. I am 32 years old, and my address is 2633 Grant Avenue, Shepardsville, New Columbia. I am a construction foreman for Bronston Construction, Inc., and have worked there for the past seven years.

I met my first wife, Tanya Brewster, in high school during our sophomore year. We dated seriously for over two years. When Tanya became pregnant during our senior year, we decided to get married right after graduation. If Tanya had not been pregnant, we probably would not have gotten married.

I started working construction right after graduation, and T.J. was born five months later, on November 3, 1980. For the first two years of our marriage, Tanya stayed at home and took care of T.J. Then Tanya got a job as a receptionist at a temporary employment agency.

It was about this time that our marriage started to go bad. After Tanya started working, she kept telling me I had to start helping with T.J. and with the housework. Tanya and I started fighting often about the house, money, and T.J.

After fighting for about two years, Tanya and I decided to get a divorce. The only condition Tanya insisted on was that she get custody of T.J. That was fine with me. I did not feel ready to raise a kid, so I agreed to let Tanya have custody. We agreed that I would have visitation rights every other weekend and six weeks during the summer. I was also required to pay child support. The judge approved our agreement and we were divorced on May 17, 1984.

After the divorce, things really fell apart. I was fired from my job for being late too many times. My parents yelled at me constantly for "abandoning my child." I knew that my main problem was immaturity. I decided to join the Army. I think it was one of the best decisions I ever made. Because of my construction background, I worked with the Army Corps of Engineers. We were involved in building things like bridges, dams, and roads. I never went overseas or saw any combat in the army.

When I left the army I moved back to Shepardsville. I felt like I could start my life all over. I got a job at a construction company in only a few weeks. In five months I was promoted to foreman because I had more experience than the rest of the guys on the crew. Around that same time I met Claudia. She was a fabulous blues singer with a local band. I met her when her band was playing at a club called MI Blue. We started dating and fell in love. After dating for six months, we got married. It was the happiest day of my life. I finally felt that the pieces of my life fit together.

About one year later, on July 3, 1988, Claudia gave birth to our son, Jesse. Then on May 28, 1991, we had a daughter, Kym. From the moment Jesse was born, I felt a strong responsibility to be a good father. I wanted to get closer to T.J. too, but I did not know how to change the patterns Tanya, T.J., and I had established. I had essentially given up control of T.J. to Tanya, since she was the person actually raising her/him.

T.J did not want to be around me. During the two years I was in the army I only saw T.J. once. When I came back home, I worked so much overtime that I only saw T.J. about once a month. It's like T.J. forgot that I was her/his father.

The only thing T.J. seemed to like about me was the fact that I had been in the army.

I tried to tell T.J. that what I did in the army was build things, but all s/he wanted to hear about was guns and fighting. When we talked about guns, it seemed more like T.J. was proud of me. I told T.J. again and again about my infantry training and the rifle range, as well as battle stories that the Vietnam vets used to tell us. I even bought a few books about guns which we read together. I remember T.J doing a book report about the history of army artillery that s/he got an A on. The funny thing is that I was never interested in guns, even when I was in the army. Our gun hobby was just something I thought I could use to get T.J. to like me.

Two years ago, our gun hobby got me in trouble with Tanya. I bought T.J. a BB gun for her/his eleventh birthday. T.J. had asked me for one and I knew it would make her/him very happy. The box said the BB gun was for ages 12 and up. Before I agreed to give T.J. the gun, we set ground rules. The gun was to be kept at my house and was not to be used unless I was there. The week before T.J's birthday, I got a call from Tanya. She was furious. She said that she would not allow T.J. to own a gun. I explained that it was only a BB gun, but she didn't care. I tried to argue that what I did with my child in my own home was my own business, but she would have none of that. She started telling me how kids as young as T.J. were getting arrested with handguns in her neighborhood. According to Tanya, guns, drugs, and gangs were all tied up together and she did not want to encourage the use of guns in any way. When I realized how serious she was about this, I returned the BB gun.

When T.J did not get the gun, s/he was very mad. T.J. told me that I was afraid of her/his mother and said, "If you won't buy me a gun, I'll get one on my own." I wasn't worried about this. T.J. was just an 11-year-old kid blowing off steam.

One day in the fall of 1993, I saw T.J. with a gun magazine. T.J. asked, "Hey Dad, can you buy guns through the mail?" I said, "I don't think so. But you shouldn't be thinking about that anyway."

I will never forget December 4, 1993, the day the shooting occurred. T.J. was over my house for the weekend. I was in the basement with T.J., Jesse, and Kym. Claudia was out with friends and had left me in charge of the kids. T.J. and Jesse were playing checkers and we were all watching a football game on T.V.

At halftime I remembered that I had borrowed a drill from my neighbor, Louis. I told T.J. to watch the kids while I brought it back. There were some guys at Louis's house watching the game. I started talking to them and Louis asked me if I wanted a beer. I decided to hang around and have one beer. I wasn't worried about the kids. T.J. was 13 years old and should have been responsible enough to look after younger children. S/he had never watched the kids alone before, but I trusted her/him. I only planned to be gone for 15 or 20 minutes.

After I finished the beer, there were only five minutes left in the game with the score tied. I decided to stay until the end. Around that time, there was a loud banging on the door. Louis got up to answer it and T.J. ran in. T.J. was covered in blood and crying. S/he told me that Jesse "got shot." I tried to ask T.J. what happened, but s/he ran out of Louis's house and down the street to my house. We all followed T.J. into my basement. Jesse was lying on the floor, and there was blood everywhere. He was unconscious but breathing. Louis used to be a paramedic, so he took over.

I asked T.J. what had happened. T.J. said that s/he was showing Jesse a gun and Jesse

tried to grab it. When T.J. tried to take it back from Jesse, the gun went off, hitting Jesse.

An ambulance and police car arrived. Before I let the police talk to T.J., I made sure to tell her/him that I wasn't mad at her/him. I don't remember exactly what I said; I just wanted T.J. to know that I didn't blame her/him. The paramedics took Jesse to the hospital. I rode in the ambulance with them.

At the hospital the doctor said Jesse had been shot in the lower chest. The bullet hit his spinal cord and exited out his back. The doctor said Jesse would live, but he would be permanently paralyzed from the waist down.

I called Tanya from the hospital to tell her about the shooting. I was very upset at the time and I told her that I blamed the whole thing on her. She said, "Oh my God, I wish I had kept that gun out of my house."

Later that night, I asked T.J. to explain what had happened more carefully. S/he said that the gun belonged to Tanya's boyfriend, Carl. T.J. found the gun in Carl's toolbox and brought it to my house for the weekend because s/he "wanted to." T.J. showed it to Jesse and Jesse asked if he could play with it. T.J. said no, but then Jesse tried to grab it out of T.J.'s hands. While the two of them were wrestling for the gun, it accidentally went off.

I don't blame T.J. for what happened; I blame Tanya. She went nuts when I tried to give T.J. a BB gun, but then she let some guy bring a real gun into her house. Maybe she thought Carl was more responsible than me, but this sure proves her wrong. She has always told me that she is worried about T.J. getting involved with gangs and guns, especially after T.J. was arrested last year.

She said the arrest was my fault because I never got involved with T.J. She even got

that counselor, Bottner, to start bothering me. Bottner called me twice, and I told her/him quite clearly not to tell me how to raise my child. I thought I was done with it, but then I got a rude letter from Bottner in April of 1993. I sent the letter right back to Bottner with a note on the bottom that finally got her/him to stop bothering me.

I know I have missed some weekends and a birthday or two, but I was busy, and every time I tried to get involved I felt that Tanya put hurdles in my way. I also didn't pay child support some months when I was really strapped for cash. I knew Tanya was making much more money than I was anyway. I really love T.J. and I have always wanted what is best for her/him. Since the shooting accident, I have realized that I should have been more involved in what was going on in T.J.'s life and how Tanya was raising her/him.

My son is paralyzed because Tanya allowed a gun to be kept unsafely in her house. She should have to pay for Jesse's injuries and for my loss.

WITNESS STATEMENT

T.J. Walker

Child of Plaintiff and Defendant

(Testifying for Plaintiff)

My name is T.J. Walker. I am 13 years old and I live with my mother, Tanya Brewster, at 4952 Oaktree Lane, Shepardsville, New Columbia. I am an eighth grader at James E. Carter Junior High School. My father, Scott Walker, left my mom and me when I was three. I guess my parents just did not get along and my father wanted a new life.

I don't remember seeing much of my dad while I was growing up. He was in the army for a couple of years. When he came back, he would take me out for pizza and maybe a movie every once in a while. I was really raised by my mom.

It wasn't until my dad got married again and started a new family that he started showing any interest in me. I started seeing my dad a little more often on weekends, but we always had to spend time with his new wife and his new kids. I never felt like I really belonged with his new family.

Every once in a while, my dad and I went out alone. I liked that better than being with his whole family. A few times we went to the shooting range near his house and watched people shoot their guns. One day there was this old marine guy at the range shooting a machine gun. My dad said he had learned how to use one in the army. I told him to ask the guy if he could shoot it. He didn't really seem to want to, but he asked anyway. It was cool seeing my dad just blast away.

When I was in the sixth grade my dad promised me a BB gun for my birthday. He

made me promise that I would only use it when he was around. He wrote down a bunch of rules that I would have to follow. When my mom found out about it and got mad, my dad gave in. He didn't try to stand up for me or tell her about the rules. He just agreed with my mom. I guess it saved him the trouble of having to buy me the BB gun.

My dad never wanted to spend time with me when I was growing up. He just left my mom and me to survive on our own. My mom is okay as mothers go. She is the one who raised me. She works really hard to be successful and to provide for us. I guess it's cool how she put herself through college and started her own business and everything. I appreciate that she's mostly done it for me, although all her work means that I'm usually alone.

Between my dad leaving me and my mom working all the time, sometimes I feel as if I have grown up alone. They say I'm supposed to be responsible for myself because they can't be around to do everything for me. But then they try to put restrictions on me including who I can hang out with and how late I am allowed to stay out. That is messed up. It's also messed up the way that my mom's boyfriend, Carl, moved into our house. No one asked me if I minded him moving in. I don't really mind him living here--my mom deserves a life--but it would have been nice to be asked. Between my mom and my dad, though, my mom is by far the better parent. I just wish she was around more.

Even though my mom isn't around much, sometimes she gets all worked up over things that happen to me. My mom started getting worried about me when I got into a fight at school two years ago. It wasn't my fault. This fifth grader, Chris Thompson, would not get out of my way in the hallway. Chris needed to learn some respect. When the principal

called my mom, she blamed it on my friends. She thinks they are a "bad influence." My friends are all right. They are no different from any of the other kids at school. I can depend on them to back me up no matter what.

Last year there was a fight and we all got hauled off to the police station. It was a fight for pride. Someone had insulted one of my friends and we had to show them that they couldn't "dis" us. I knew guns were going to be involved. Someone always has a gun. People respect you when you carry a gun. You're nothing in their eyes if you don't carry. But I wasn't the one carrying the gun.

When I talked to the youth officer at the police station, he said he would probably just send me home because I wasn't carrying a weapon and had never been arrested before. Then my mom came in and he talked to her. He said he was going to drop the case but she started asking him questions. He talked about what could happen if they didn't drop the charges, and mentioned stuff like counseling and diversion. When my mom heard about this diversion thing, her eyes lit up. She said she thought it was the best thing for me. The officer said that I really didn't need it, but my Mom insisted that he sign me up for the program.

So we ended up in diversion. I go every Saturday, and my mom and I talk to Terry Bottner once a month. Terry is okay. S/he always wants to know about drugs and guns in the school, so I say what s/he wants to hear. Sometimes I make stuff up to keep Terry happy, but most of the time what I say is true. There really is some scary stuff going on at school. For instance, I told them that some of my classmates sneak guns into the school. My mom, of course, gets real worried about all this. I wouldn't tell her what's really going on if she and I were talking on our own. But with Terry there, it's easier.

The one thing that bugs me about Terry, though, is that s/he really seems to hate my dad. S/he always talks about how my dad doesn't do anything for me and how it's his fault that I get into trouble. Terry doesn't know my dad or anything about him. So I don't see how s/he can have this opinion of him.

I found out that Carl had a gun because he and my mom had a huge fight over the gun when he moved in. Mom knew I was home. Later on that day, she was reading something about safe storage of handguns. I asked her about it because I wanted to know more about Carl's gun. But she just got really angry and wouldn't talk about it.

A couple of weeks later I was down in the basement with Carl in his workshop. He asked me to get him a screwdriver from his toolbox. That's when I found his gun. It was a Beretta 9-millimeter and it was tough-looking. It was the kind of gun that makes people listen to you. I know Carl said it was off limits but I couldn't help borrowing it. One day I took it to school and my friends were real impressed. They've all got cheap guns. Nobody had a gun as tough as Carl's. They all called me "Beretta" that day.

Since no one caught me when I took the gun to school, I decided to take it again one weekend when I was visiting my dad. I was going out with my friends that night. I wanted to take the gun with me because, I thought, you never know when you're going to need one.

That day, we were all sitting around watching football at my dad's house. Jesse wanted to play checkers. I wanted to watch football and talk to my dad, but I played checkers with Jesse just to shut him up. Sometime that afternoon, my dad said he was going out for a while and that I was in charge.

Since my dad was gone, I decided to show Jesse the gun. I knew it would impress

him. When he saw the gun, Jesse said he wanted to play with it. I told him no because it was my gun. That's when he tried to grab it out of my hands. We wrestled with it for a few seconds. Then the gun went off accidentally, and Jesse was hit.

After that everything seemed like it was in slow motion. There was a big red spot on Jesse's shirt that kept getting bigger. I think he passed out the second he got shot. I called 911 for an ambulance. The operator asked me if anyone else was there. I said my father was down the street. The operator said to stay on the phone and keep talking until the ambulance arrived. The operator kept asking me questions and I tried to answer them. I was so confused and upset that I don't even know what I said. The ambulance took so long that I thought Jesse was going to die before it got there. I dropped the phone and ran down the street to get my dad. He and his friends ran back to the house with me and then the ambulance finally showed up.

Jesse could have died and I felt terrible. When the cops asked my father if they could take me to the other room to talk to me, he said he wanted to speak to me first. My dad was really angry and upset. He asked me where I got the gun. I told him I got it at Mom's house and that it was Carl's. He said, "You're old enough to know better. Nobody can watch you 24 hours a day." I was so upset already that after he said this I started crying. I guess my dad felt bad because then he put his hand on my shoulder and said, "It's all right, T.J. You didn't mean it. It's just as much my fault as it is yours." That made me feel better.

I've thought about what happened a whole lot since then. I feel bad that Jesse is paralyzed. I never meant for him to get hurt. But it was not really my fault. Jesse should

not have tried to grab the gun, especially when I told him he could not have it.

I would have gotten a gun eventually even if Carl didn't have one. I was planning to buy one from a guy at school. The fact that Carl had one in the basement just saved me money.

WITNESS STATEMENT
Dr. Sandy Turner
Professor of Emergency Medicine and Public Health
(Testifying for Plaintiff)

My name is Dr. Sandy Turner. I am a professor of emergency medicine and public health at New Columbia University. I received a B.S. in biochemistry from Brookstone College. I received an M.D. from New Columbia University Medical School, and did a residency in emergency medicine at New Columbia University Hospital. After my residency, I was a staff emergency room physician at New Columbia General Hospital for four years. I then went on to receive a Ph.D. in public health from New Columbia University. I have been a professor of emergency medicine and public health for the past six years.

Most of my research and teaching has been in the area of domestic violence. During the past two years I have conducted studies of the relationship between gun ownership and shooting deaths in the home.

I was also a special consultant to the New Columbia Senate Committee on Health and Public Safety during the drafting of New Columbia Criminal Code Section 105: Criminal Storage of a Firearm. After that, I prepared materials for the gun safety course that is required in order to obtain a firearm license in New Columbia. These materials include an information sheet entitled "Safe Storage of Handguns."

I have testified about the causes and results of gun violence at 24 trials in the last two years. At 18 of those trials I testified on behalf of the plaintiffs. I am being paid my regular rate of $200 per hour for research and testimony at this trial.

I met with Scott Walker and his attorneys a few days ago. I also spent 15 minutes talking on the phone with T.J. Walker. These individuals described to me all of the important

facts of this case. I have also examined the medical records of Jesse Walker. I have never met with Tanya Brewster or Carl Newhouse, but I have gathered all the information I need to know.

Firearms kill more teenagers than cancer, heart disease, AIDs, and all other "biological" diseases combined. In addition to deliberate shootings, the United States has witnessed an increase in the number of accidental shootings occurring among family members. With all the media publicity focused on violence resulting from gang or drug wars, not enough attention is focused on the accidental shootings which occur every day. Every day in America, a child is accidentally killed by a firearm, and 10 others are injured.

The most effective way to control these accidental shootings is not to have a gun in the home. If parents are going to continue to keep guns in their home, they must make sure that they are safely stored. The New Columbia statute imposes criminal liability for unsafe storage of a firearm that is used by a child. This law is designed to get parents to store their guns safely.

A number of other states have passed similar parental responsibility statutes. Although no formal studies have been done on the effectiveness of these laws, I think they will be successful in reducing the number of accidental shootings in the home. For example, in 1990, a Connecticut law similar to the New Columbia statute became effective, and the state widely publicized the new parental liability. During the next year, there were no accidental shootings involving children in Connecticut. This, I believe, was a direct result of the statute.

Many gun-owning parents claim they do not need to be told how to store their guns

because they believe that their children will not take the gun without the parents' permission. Parents expect their children to obey their instructions not to take or use the gun. These parents are out of touch with the facts. The most recent study published in the New England Journal of Medicine showed that keeping a gun in the house nearly triples the chance that someone will be killed on the premises. Another study has shown that 88 percent of children who are injured or killed in unintentional shootings are shot in their own homes or in the homes of relatives or friends. Parents should assume that all children will become curious or will disobey their parents' instructions, and will examine or play with the gun. An accidental shooting is the likely result.

Parents should also be aware of whether their children may be prone to violent behavior. When a child has been involved in violent behavior, the parents should be on red alert. Violent behaviors include any fights, gang involvement, incidents involving weapons of any kind, or any criminal activity. If a child has been involved in these types of incidents, the parents are on notice that their child has violent tendencies. If this is true, the parents should take precautions to reduce the possibility of violent behavior by that child in the future.

However, even if there are not specific incidents of violent behavior by a child, I think all parents who have guns in the house should know that their children are more than likely to take and to examine a gun. Guns have become an integral part of our culture and, in fact, have become a rite of passage for many of our children. This epidemic of teenagers and younger children with guns is happening everywhere in our country, including cities, suburbs, and rural areas. Research has shown that teenagers know how violent other teenagers are,

and adapt their own behavior to protect themselves. Teenagers know that they can become targets of spontaneous violence over real or imagined slights, such as looking at someone the wrong way or bumping into someone and scuffing his sneakers.

One out of 25 high school students in the United States carried a gun in 1990. Teenagers obtain guns for a number of reasons. Often they do so for protection or revenge. But they also carry guns for status and glamour. They carry guns to school, to parties, on subways, anywhere they go. Young people often say, "Everyone else has one, so I need to have one too."

Based on all of the facts of this case, I believe that Tanya Brewster acted irresponsibly. Ms. Brewster should have been much more careful in her supervision of T.J. Also, she should not have allowed a gun to be stored unsafely in her home.

At least $1 billion is spent annually for hospital costs associated with the treatment of individuals with firearm injuries. Unfortunately, Jesse Walker is now one of these individuals. My review of Jesse's medical records indicates that he will need a lifetime of intensive medical treatment, including physical therapy, medication, specialized equipment, and outpatient nursing care. I estimate that Jesse's future medical expenses will amount to approximately $10,000 per year. Projected over Jesse's estimated remaining life span of 65 years, this amounts to approximately $650,000.

WITNESS STATEMENT
Tanya Brewster
Defendant

My name is Tanya Brewster and I am 32 years old. I live at 4952 Oaktree Lane, Shepardsville, New Columbia. I own and manage a temporary employment agency and have done so for the last three years.

I bought my house after Scott Walker and I were divorced. This used to be a safe neighborhood, but over the past several years there has been more crime and violence, mostly from street gangs. I have never been robbed, but almost everyone I know has.

I met Scott when we were both sophomores in high school and we fell in love. When I found out I was pregnant during my senior year, I was very upset. I did not know what to do, but my parents said we should get married and Scott agreed. I did not think I could raise a child on my own, even though I guess I did end up raising T.J. all by myself.

Our marriage started off pretty well. We were young and in love. But after T.J. was born, Scott seemed to lose interest. He was hardly ever around the house, took very little interest in helping with T.J., and didn't seem to want to be with me. He was always out with his friends, hanging out in bars or playing cards. When T.J. turned two I started working part-time at a temporary employment agency and things got worse between Scott and me. I decided to get a job because I needed to feel that I was doing something meaningful, plus we needed the money. Scott was spending the money he earned as fast as he was bringing it in.

Our marriage had gotten so bad that when Scott asked me for a divorce, I agreed. The only condition that I put on the divorce was that I wanted full custody of T.J. Scott never seemed interested in raising T.J. and I did not want some judge giving Scott partial

custody. Scott readily agreed to give me sole custody.

The divorce agreement required Scott to pay $250 per month in child support. He promised me that he would pay the child support and visit T.J. regularly. But then he went off and joined the army. He only saw T.J. once while he was in the army, and that was for about three hours one Christmas.

When he returned from the army, he only saw T.J. about every four or five weeks. He even missed a few of T.J.'s birthdays and one or two Christmases. Scott also started missing child support payments. While he was in the army, the payments came every month. But when he got out, he began missing more and more payments. I did not pursue these payments in court, because by that time my business was becoming more successful and I did not have the time or energy to go to court to chase down Scott.

As I stated, I had begun working for a temporary employment agency. At first I was a receptionist, but I was promoted several times until I became the office manager. I saw how the business was run from the inside and I thought I could run a better agency, so I decided to put myself through college at night while I was working during the day. After I graduated in December 1990, I quit my job and opened up my own temporary employment agency. I worked many long, hard hours to get my business off the ground and it is now quite successful. The work takes a lot of my time, most of it in fact, but I love it. One drawback is that in the past few years I have not had as much time with T.J. as I would like.

T.J. is a great kid and works pretty hard in school. S/he has had a few problems in the past but we have dealt with them. T.J. got into trouble at school twice during the sixth grade, once for fighting and once for vandalizing school property. I have never really blamed

T.J. It is the kids s/he hangs out with who cause the trouble. They are a bad influence.

The only other problem I have ever had with T.J. was in January of 1993 when s/he was involved in a fight between two groups of kids in the neighborhood. The police broke it up and took everyone to the station house. There were weapons involved, including one or two handguns and some switchblades.

As soon as I found out about the arrest I went down to the police station and spoke to the youth officer. He told me about the juvenile justice system and what could happen if T.J. were arrested again. He said many first-time offenders enter a diversion program, which includes counseling about violence, drugs, and guns. I immediately told him that I wanted T.J. in this program. He explained that he had planned to just release T.J. because he did not feel that diversion was necessary. But I told him that we would do the program voluntarily. I didn't want T.J. to think that s/he could get away with just a slap on the wrist and I thought the counseling would help.

The diversion program has worked very well. T.J. and I go for counseling sessions once a month with Terry Bottner, who is a very nice person and seems very concerned about both T.J. and me. In the sessions, we talk about the crime situation in our neighborhood and how to avoid it. T.J. says a lot of things in the sessions that s/he would never tell me if just the two of us were talking. For instance, s/he told us that some students sneak guns into school. From these sessions, I've learned how hard it is for a teenager to stay away from all the drugs and guns that they see or hear about every day.

I think one of our main problems is Scott's attitude towards T.J. When Terry Bottner asked Scott to participate in the counseling, Scott refused to come. He treated the arrest and

the diversion program as if they were nothing.

I think T.J. became interested in guns because of Scott. I didn't know about it when we were married, but Scott is into guns. That's probably why he joined the Army. When T.J was younger, s/he would come home from visits with Scott talking about different guns that Scott had shot in the army.

The last straw came when Scott bought T.J. a BB gun. Scott acted like it was a toy but I knew that someone could get seriously hurt with one of those things. I put my foot down and said that under no circumstances would I allow T.J. to own a gun of any kind. Scott agreed to return the BB gun, but who knows what he said to T.J. about the whole thing.

When T.J. gets these kinds of messages from Scott, it is very hard for me to keep her/him on the straight and narrow. For example, T.J. and I once watched a television documentary about handgun violence. T.J. missed the point of it completely. S/he said s/he thought it would be cool to have a gun in the house. Another time, I found a gun magazine in T.J.'s room. It was open to a page where T.J. had circled several gun prices and descriptions. I took the magazine and threw it away. All of this is Scott's influence.

I have tried to do my best for T.J. I try to provide a good home and to be there whenever T.J. needs me. I know I spend a lot of time at work, but I am trying to make a better life for both myself and T.J. It is not easy being a single mother, especially when Scott has never done his part.

After my divorce, I did not date anyone for a long time. I was extremely busy and did not want to get involved in a relationship. About two years ago, though, I met Carl Newhouse when I was buying a new car. He gave me a great deal on a car. We dated for a

year and a half and then he moved into my house with T.J. and me last August. We are not even considering marriage at this point. Since my last marriage was such a disaster, I am not anxious to try again.

When Carl moved in, he told me he owned a handgun that he wanted to keep in the house. This led to a huge argument. My immediate reaction was to tell him no. I said that I did not like guns, that I did not want one in the house, and that keeping a gun could only lead to trouble. Carl insisted that we needed a gun for protection. He said our neighborhood was so dangerous that having a gun was a necessity. He also told me that he had taken a gun safety course and would be happy to show me the materials used in the course. Carl finally wore me down and I agreed he could keep the gun.

I looked over the materials, including an information sheet entitled "Safe Storage of Handguns." I remember T.J. interrupting me while I was doing this. I tried to hide what I was reading but s/he saw it. I don't remember the explanation I gave T.J. for it, but I don't think s/he figured out that we had a gun in the house.

After the fight, I never thought or asked about the gun again and Carl never mentioned it. In the sessions with Terry Bottner, we talked about how a lot of people in our neighborhood had guns. But somehow I never remembered Carl's gun. In fact I never really thought about it until I got the phone call from Scott.

It was a Saturday, and T.J. was at Scott's house for a rare visit. Around six o'clock that afternoon I received a phone call from Scott telling me that T.J. was at the police station being questioned about a shooting accident involving Jesse, one of Scott's kids. I was shocked. Scott was screaming and tried to blame the whole incident on me. I knew it wasn't

my fault, but I remember wishing that I had never let Carl bring that gun into my house. I might have even said something like that to Scott.

I rushed to the police station. The police told me that T.J. had found, and used, Carl's gun. I became angry with both T.J. and Carl. Carl should have kept the gun in a secure place and T.J. should have known better.

I really feel bad for Scott and his family. Jesse is a nice kid and it is horrible that he is paralyzed, but I don't think that I should be made the scapegoat. It is not my fault that Jesse was shot. The shooting happened at Scott's house and, from what I hear, he was down the street drinking beer. This is typical of Scott. He was the same way when we were married.

WITNESS STATEMENT
Carl Newhouse
Friend of Defendant
(Testifying for Defendant)

My name is Carl Newhouse. I am a 36-year-old car salesman. I met Tanya Brewster about two years ago, when she needed to buy a car. We started dating about a week after we first met, and we began living together in Tanya's house in August of 1993. T.J. never seemed to mind having me move into the house.

T.J. is a great kid--smart, funny, and outgoing. But T.J. is a teenager and can easily be influenced by friends and by TV or movie images. T.J. can also be influenced by adult authority figures like her/his father. I think T.J. had a tough childhood, since Scott was never really around. Scott was always too busy with his own interests, and is now too busy with his second wife and his other kids. In the two years or so that I have known Tanya and T.J., Scott has missed a number of child support payments and has avoided seeing T.J., often for weeks or even months at a time. I think T.J. sometimes does bad things just to try and get Scott's attention.

On the other hand, I know T.J. loves Scott very much and would like to have a closer relationship with him. T.J. has told me so. About six to eight months before the shooting incident, it appeared to me that Scott was trying a little harder to get close to T.J. and to make T.J. feel like a part of Scott's new family.

Tanya is a great mother. T.J. is really the most important person in her life. She has been working so hard all these years to make a better life for T.J. and herself. Tanya is not around the house much because she is so busy with work. It takes a lot of dedication to make a business successful. I often get the feeling that Tanya does not really understand

what today's teenagers are faced with, but she would do anything for T.J.

When I moved into Tanya's house, I wanted to bring my gun with me. I bought a gun a number of years ago because my apartment had been broken into while I was sleeping. One of the burglars held a gun to my head while the other one took all my valuables. I was never going to let that happen again, so I bought a gun, a Beretta 9-millimeter semiautomatic pistol. I keep it loaded so that I'm always ready in case of trouble. I have a license for the gun. I had to take a gun safety course in order to receive the license.

When I told Tanya about the gun she got very upset and said she did not want it in the house because it was too dangerous. She told me T.J. had been in trouble in the past and that she was afraid of her/him being around guns. I insisted that we needed a gun to protect ourselves since we were living in a dangerous neighborhood. It seems like everybody on the streets has a gun, even the kids, who will shoot you if you look at them the wrong way. I told Tanya that I knew how to handle and store the gun safely since I had taken the gun safety course. She made me give her the materials from the course, including an information sheet called "Safe Storage of Handguns," so she could read them for herself.

Tanya finally agreed to let me keep the gun. I guess she trusted me. She never asked me where I kept the gun and I never told her. We never talked about it again until the shooting.

My hobby is working on cars and fixing them up, so I had set up a workshop in the basement, near the garage. I put the gun in a toolbox I kept in the basement. The toolbox has a lock on it and I usually keep it locked. Sometimes when I am working on a long-term project, I forget to lock it. I told T.J. that all my stuff was off limits and not to mess with

any of it. There were a lot of delicate parts and tools that I did not want broken. Since T.J. was not allowed to go through my belongings, I felt that the toolbox was a safe place to put my gun.

A few weeks after I moved in, T.J. and I were working in my workshop. I needed a screwdriver from my toolbox. Forgetting that I had put the gun in the toolbox, I asked T.J. to get the screwdriver for me. T.J. found the gun and asked me about it. I told her/him to put the gun back and to never touch it again. I did not tell Tanya about this, because I knew she would be really angry. Besides, I thought that T.J. would listen to my instructions. I remember the week before the accident because I was rebuilding a transmission that whole week. I am fairly sure the toolbox was locked that week.

I could not believe it when Tanya told me that T.J. had found my gun and that Jesse had been accidentally shot. I specifically told T.J. not to take or use the gun. There is no way that Tanya is responsible for the shooting. She did what she could. She also does everything she can to support T.J. so that s/he does not feel a need to get involved with all the crime and violence that is going on in our neighborhood. If I did something wrong, Tanya shouldn't have to pay for it.

WITNESS STATEMENT
Terry Bottner
Juvenile Diversion Counselor
(Testifying for Defendant)

My name is Terry Bottner. I am a counselor for the Juvenile Pre-trial Diversion Program in Shepardsville, New Columbia. I have worked there for four years. Before that I was a high school teacher in the city school system for four years. I received a B.A. in physical education from Shepardsville City College and a master's degree in social work from New Columbia University. I am currently working on my Ph.D. in social work at New Columbia University and have completed preliminary research for my thesis on gang violence among teens.

After finishing college I was hired by Ford High School as a physical and health education teacher. I also coached the junior varsity basketball and track teams. I enjoyed the work at first but I started becoming very concerned about the culture of drugs and violence prevalent among the students. I can still remember the day I called out a boy's name in gym class and heard another student answer, "He got shot yesterday." In my health classes we had frank discussions about subjects like sex, drugs, guns, and violence. The attitudes and behavior of the kids scared me. I frequently saw kids stashing guns and drugs in their gym lockers.

After two years of teaching and coaching I decided that I should become more actively involved in keeping kids out of trouble. I decided I should try to help the kids who really were at risk. I quit my coaching positions and started an "after hours" club. I asked a group of kids I knew were really "in danger" if they wanted to hang out in the gym after school and play basketball. Every day we played some basketball, worked on homework, and

then finished off with a "rap session." No subject was off-limits in the rap session. We also had weekly speakers from the community who were positive role models for the kids.

I ran the "after hours" club for two years. During the second year, Dr. Phyllis Gannon came to speak to the kids about the juvenile justice system. Dr. Gannon had just started the Pre-trial Diversion Program in Shepardsville. She explained that diversion was for first-time juvenile offenders who did not seem to pose a threat to the community. These young offenders were enrolled in a program where they participated in group and family counseling. Similar programs had enjoyed great success in other areas, and Dr. Gannon was confident that diversion would succeed here as well. That summer she offered me a position as a counselor with the Pre-trial Diversion Program and I accepted. I have been working for the diversion program for four years.

Over the past four years I have been involved in all aspects of the diversion process, including screening, group counseling, and individual and family counseling. In screening, I examined offenders' records and spoke to their teachers, parents, and lawyers to determine their eligibility for the program. In group counseling, I led groups of about fifteen kids in weekly discussions about things like alternatives to crime, problems in school, and life planning. For the past two years, I have been involved in individual and family counseling. I meet with program participants individually every week and also meet with participants and their families for two hours every month. I also call the parents once a week to see how things are going.

During counseling sessions and phone calls, we discuss any problems among the family members and try to work out solutions. Through this work I have come to realize that

the most important factor in determining whether children will become or remain involved in violent crime is the level of parental support. I think our program works so well because we involve the parents.

I met Tanya and T.J. in February of 1993. When I read T.J.'s file, I was surprised that the case had even come to us. T.J. was a decent student who attended school regularly and had a very supportive mother. It was also T.J.'s first offense. Usually these cases are dropped. The person in charge of screening told me that T.J.'s mother wanted her child to be in the program even if s/he hadn't actually done anything. I called up Tanya and she told me the same thing. She wanted to be in the diversion program because she didn't want to "take any chances" where T.J. was concerned.

Counseling sessions with T.J. and Tanya have always gone extremely well. Tanya is a very involved parent. Even though she has raised T.J. on her own, she has provided the type of home atmosphere that few children experience in this city. There is some lack of communication between T.J. and Tanya, but that is hardly unusual between parents and teenagers. That's where I come in.

In our sessions, T.J. actually tells Tanya about the weapons and drugs s/he sees in school and the fact that s/he has actually witnessed a great deal of violence. Although she seems shocked, this gives Tanya a more realistic view of what T.J. goes through every day. We have discussed guns quite a few times. In fact, I think that they probably have come up at least once at every session. Tanya has always made it very clear that she does not want T.J. to be involved with, or even to touch, guns.

In my opinion, young people carry guns mostly to get attention and respect. Tanya

has always given T.J. the attention that s/he needs and shown respect for her/his independence. She has done all that any parent can do to prevent her child from picking up a gun.

I have not had much contact with Scott Walker. Our program tries to involve the whole family in counseling, even if the parents are divorced or separated. But if a noncustodial parent doesn't want to participate, there is nothing we can do. When I first called Mr. Walker to talk about T.J., he asked if I was a police officer. I explained that T.J.'s case had been diverted from the juvenile justice system and I described our program to him. He said he did not want to participate in T.J.'s family counseling sessions. I think his exact words were, "If T.J.'s mother is going, what do you need me for?" He then hung up.

After two sessions with T.J. and Tanya, I realized that T.J.'s mother and father were giving him conflicting signals about guns, violence, and our counseling sessions. I got the impression that Mr. Walker was downplaying the importance of our counseling and not taking T.J.'s arrest seriously enough. I don't know exactly what he said to T.J., but I'm sure that it was part of the problem. I called Mr. Walker again to try to explain this problem. Again he did not want to talk. He said, "Nobody is going to tell me what to say to my child. I don't let T.J.'s mother do that and I won't let you." Again he hung up.

I decided to give Mr. Walker one last chance. On April 6, 1993, I wrote him a polite letter asking if he would reconsider his participation in the counseling. His handwritten reply clearly showed that he did not care about T.J.'s problems.

I think Mr. Walker's refusal to participate in the program has hurt T.J.'s progress. T.J. receives support from her/his mother for trying to stay out of trouble. But T.J.'s father

refuses to get involved. Criminal behavior is often a way to get the attention of one's parents. T.J. obviously did not get the attention of Scott Walker the first time s/he was arrested. Maybe T.J. thought that bringing a gun right into her/his father's house would be enough to get his attention.

Scott Walker's behavior towards T.J. is typical of divorced men. They think that the second the ink is dry on their divorce papers they no longer have any responsibility towards their children. My father was like that, too. In my opinion, divorce, and its effect on children, is one of society's biggest problems, and it is the absentee fathers who are to blame. I have no respect for men like Scott Walker.

I have never met Carl Newhouse. Until the accident, I was not aware that he was living with Tanya and T.J. If I had known, I would have asked him to participate in our counseling sessions. I certainly didn't know anything about the gun that Carl owned. If I had, I would have told Tanya that she should make Carl get rid of it. A gun is too much of a temptation for a young person, too great a status symbol and attention-getter to resist, even under lock and key, even in a safe. I would have insisted that there be no guns in the house.

I have found Tanya Brewster to be more involved with, and more concerned about, her child than at least 90 percent of the parents I come into contact with. In my opinion, based on my professional experience, there is nothing more she could have done to keep T.J. from getting into this type of trouble.

Shepardsville Hospital
5300 Medical Boulevard
Shepardsville, New Columbia 98765
(504) 876-4900

BILL FOR MEDICAL SERVICES

PATIENT: Jesse Walker

SENT TO: Mr. Scott Walker
2633 Grant Avenue
Shepardsville, New Columbia 98761

DATE: February 1, 1994

Current Medical Expenses

Emergency and intensive care services	9,000
Surgical procedures	14,400
Inpatient hospital services	11,000
Prescription medication	350
Specialized equipment	3,500
Physician office visits	1,750
Physical therapy	2,000
Total	$42,000

Estimated Future Expenses

The following are mere estimates based on the best information currently available. These estimates have been prepared at the request of the billing recipient, Scott Walker.

Estimated annual medical expenses	$ 15,000
X (estimated remaining life expectancy of 65 years)	
Total	$975,000

Official Transcript
911 Emergency Telephone Call
Recorded on 12/04/93 - Beginning 16:37:17 hours
Transcribed 2/03/94

Operator: Hello, 911, What is your name and where are you?

Caller: Hello, is this the emergency ambulance?

Operator: Yes, I can get you an ambulance. What is your name and where are you?

Caller: Um, T.J. Walker. I'm at my Dad's. The address is ... 2633 Grant Avenue. It's right by Peterson Middle School.

Operator: That's O.K., T.J. I know where it is. You said you need an ambulance. What happened?

Caller: Jesse is unconscious. He's bleeding. He needs a doctor right away. You have to send an ambulance.

Operator: T.J., there's already an ambulance on the way. You have to keep calm until it gets there. O.K.?

Caller: Yes.

Operator: T.J., how old are you?

Caller: Th-thirteen.

Operator: Is there anyone else at home, T.J.? Anyone older?

Caller: Kym's here, but she's just a baby.

Operator: Are there any adults there, T.J.?

Caller: My Dad's down the street at Louis's house.

Operator: How far away is Louis's house, T.J.?

Caller: It's ... I'm not sure. I've only been there once. It's like one or two blocks.

Operator: You're not sure what house?

Caller: No.

Operator: O.K., T.J., then I just want you to stay right there. O.K.?

Caller: Uh-huh.

Operator: Is ... Jesse still bleeding?

BEST COPY AVAILABLE

Caller: Yeah, it's all over the place. I think he's going to die.

Operator: T.J., is the phone cord long enough to reach Jesse while you still talk to me?

Caller: Yeah.

Operator: O.K., T.J., I want you to go over to Jesse.

Caller: Uh-huh.

Operator: Are you there?

Caller: Uh-huh.

Operator: Where is Jesse bleeding?

Caller: All out his stomach.

Operator: The wound is covered by his shirt?

Caller: Yes.

Operator: O.K., then we'll keep his shirt on. T.J., I want you to put direct pressure on the wound to try to keep down the bleeding. O.K. ... Now keep the phone under your chin so you can still talk to me while you do this.

Caller: O.K.

Operator: Now I want you to use both of your hands and put them down flat on Jesse's wound right where the blood is coming from and press down. You're trying to keep the blood from coming out.

(six-second pause)

Operator: T.J., are you doing that?

Caller: Yes, I hope I'm doing it right.

Operator: O.K., T.J. I just want you to stay and do this until the ambulance comes. Now you and I will just talk until the ambulance arrives. When is your father coming back, T.J.?

Caller: I don't know. He didn't tell me.

Operator: How long has he been gone, T.J.?

Caller: I don't know ... a long time ... all afternoon. Why are you asking me all these questions?

Operator: I just need to know what happened so I can help, O.K., T.J.? I want you to tell me what happened. How did Jesse get hurt?

Caller: We were just playing; I didn't mean it.

Operator: I know you didn't mean it. Now, how did Jesse cut himself?

Caller: He didn't cut himself. He ... he got shot.

Operator: T.J. ... He was shot? ... How ... Where did the gun come from?

Caller: It's Carl's gun. I got it from Carl.

Operator: Did Carl bring the gun over? Where's Carl?

Caller: I don't know. I got it from his toolbox.

Operator: You brought the gun over, T.J.?

(four-second pause)

Caller: Yeah.

Operator: And you got it from Carl's toolbox?

Caller: Yeah.

Operator: Was the toolbox locked, T.J.?

Caller: No. Where's the ambulance? Jesse's dying.

Operator: The ambulance will be there real soon. You have to be calm.

Caller: O.K.

Operator: Who's Carl, T.J.? Is he a friend of yours?

Caller: Carl ... He's my mom's boyfriend.

BEST COPY AVAILABLE

Official Transcript
911 Emergency Telephone Call
Recorded on 12/04/93 - Beginning 16:37:17 hours
Transcribed 2/03/94

Page 4

Operator: And he just leaves a gun lying around in an unlocked box?

Caller: Yeah. Where's the ambulance?

Operator: It's coming, T.J. Just stay calm and we'll keep talking. How old are you, T.J.?

Caller: I already told you that. I've got to go get my father right now. I don't want Jesse to die.

Operator: Jesse's not going to die, T.J., O.K.? ... T.J.?

Caller: I've got to go get my Dad.

(click)

Call Terminated 16:41:50 hours

NEW COLUMBIA DEPARTMENT OF PUBLIC SAFETY
Information Sheet # 36
"SAFE STORAGE OF HANDGUNS"

INTRODUCTION

Statistics show that keeping a gun at home nearly triples the chance that someone will be killed on the premises. Every day in America, a child is accidentally killed by a firearm and ten others are injured. At least $1 billion is spent annually for hospital costs associated with the treatment of individuals with firearm injuries. These statistics should be considered before making the decision to keep a handgun in your home.

Potential handgun owners should also be aware that there is a law in New Columbia that imposes criminal liability when a child 16 years of age or younger obtains a firearm that has not been safely stored and a serious injury results. (New Columbia Criminal Code § 105: Criminal Storage of a Firearm)

OWNING A HANDGUN

Making the decision to own a handgun assumes that you are prepared to undertake full-time responsibility for your weapon's safety and security. You must protect yourself and your family members against misuse of the handgun by anyone who is either incompetent or unqualified to handle the weapon. In particular, you must secure your handgun from theft and misuse by children.

If you have a handgun you should understand that it is a lethal weapon capable of inflicting death and disabling injury on living targets. If not treated with utmost caution and safety, it can accidentally discharge and result in tragic consequences for you and your family.

In the material that follows, we describe step-by-step precautions that you must take to protect yourself and your family members from being accidentally killed or maimed by your handgun. It is your responsibility to put these safety rules into practice.

SPECIAL NOTE FOR PARENTS

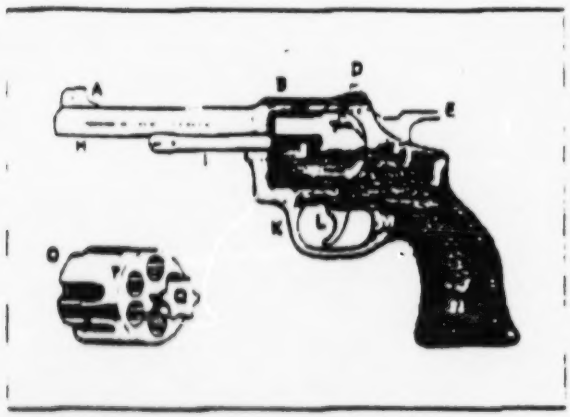
Do not trust anyone else, even your spouse or significant other, to insure that the measures described below are followed. All adults in the house must know exactly where a handgun is stored and what measures have been taken to child-proof the handgun. They must also insure that these precautions are continually taken. If you are not willing to take on this responsibility, you should not keep a handgun in your home or allow anyone else to keep one there.

STORAGE

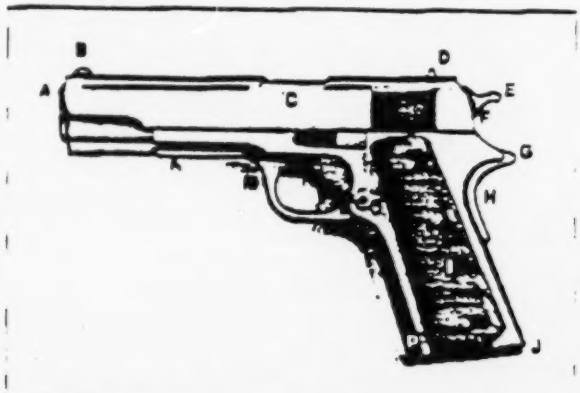
Before we begin, you should know the parts of your pistol or revolver, as illustrated below.

As a handgun owner, safe and secure storage is one of the most important responsibilities that you assume. You and your spouse must both be aware of where your weapon is permanently stored. It should not be within sight or reach of children, or accessible to burglars. Specifically, the following measures must be taken:

- Store your handgun unloaded and uncocked in a securely locked container.
- Store your handgun and its ammunition in separate locations.
- Do not store your handgun among your valuables, such as jewelry or silver.
- Do not store your handgun in a bedside table or under your mattress or pillow.
- Child-proof your revolver by placing a padlock around the top strap of the weapon or by securing a trigger lock.
- Child-proof your semiautomatic handgun by removing the magazine, disassembling the frame from the slide and magazine, or securing a trigger lock.
- Always carry with you on your key chain the keys that open both the locked container that stores your handgun and its padlock or trigger lock.
- If you go on vacation, consider additional safekeeping measures for your handgun while you are away.
- Store ammunition in a locked container, away from heat or moisture.
- Never throw out ammunition in the trash.



A Front Sight
B Top Strap
C Cylinder Bolt Notch
D Rear Sight
E Hammer
F Cylinder Release
G Backstrap
H Barrel
I Ejector Rod
J Cylinder
K Trigger Guard
L Trigger
M Frame
N Stock or Grip
O The Cylinder
P Chamber
Q Ejector



A Barrel and Barrel Bushing
B Front Sight
C Slide
D Rear Sight
E Hammer
F Safety Catch
G Tang
H Grip Safety
I Stock or Grip
J Main Spring Housing
K Frame
L Slide Stop
M Trigger Guard
N Trigger
O Magazine Catch
P Magazine

Prepared by Dr. Sandy Turner for the State of New Columbia's required pre-license firearm safety course.

BEST COPY AVAILABLE

SHEPARDSVILLE, NEW COLUMBIA
JUVENILE PRE-TRIAL DIVERSION PROGRAM
16101 STATE STREET, #410
SHEPARDSVILLE, NEW COLUMBIA 98760
(504) 820-0100

April 6, 1993

TO: Mr. Scott Walker
2633 Grant Avenue
Shepardsville, New Columbia 98761

Dear Mr. Walker:

I am writing to follow up on our two brief telephone conversations. As you may recall, I am T.J.'s Diversion Program counselor. After meeting with T.J. several times, and with T.J. and his mother twice, I am beginning to worry that T.J. is at risk of becoming involved in violent activities. In our sessions, T.J. has regularly displayed a fascination with guns and weapons. Based on my professional experience, these types of interests in young people like T.J. often are warning signs that the child could easily become a victim or a perpetrator of violence.

I have already asked you to participate in our counseling sessions and I will repeat that request here. Judging from your behavior towards me on the phone, however, I doubt that you will be willing to cooperate with us in such a productive way. At the very least, I think you should be aware of these tendencies in T.J., and should do whatever you can to change them. I don't think either of us wants to see T.J. become another statistic. Finally, Mr. Walker, I would like to remind you that, even though a man can legally divorce his wife, he can never escape the responsibility that he took on by fathering children.

Sincerely,

Terry Bottner

Terry Bottner
Juvenile Diversion Counselor

Bottner,

Believe me - Putting Tanya and me together in a room is the last thing you want to do to help T.J. I think I know better than you do what is best for my own child.

Scott Walker